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C O N F I D E N T I A L BRUSSELS 002930

SIPDIS

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TAGS: [PREL](#) [EAID](#) [ETRD](#) [CU](#) [VE](#) [EUN](#) [USEU](#) [BRUSSELS](#)

SUBJECT: EU RESPONSE ON LIBERTAD TITLE III AND VENEZUELA  
REFERENDUM

REF: A. STATE 147536

[B](#). THE HAGUE 1700

[C](#). USEU BRUSSELS 2859

[D](#). STATE 145203

Classified By: PolOff Rick Holtzapple, Reasons 1.4 (B/D)

SUMMARY

[1](#). (C) The European Commission is still considering whether or not to send an election observer mission to Venezuela. The EU also remains concerned about the possible outcome of the White House decision on suspension of Title III of the LIBERTAD Act. The EU still plans to raise this issue at the US-EU Task Force and, possibly, Political Directors' meetings next week in Brussels. The EU will likely contend that anything but a blanket suspension covering all EU Member States will be a reversal of the US-EU 1998 understanding on this issue. END SUMMARY.

[2](#). (SBU) Following up on Ref C, we delivered Ref A points on Venezuela to Karl Buck, Head of the Council Secretariat's Latin America Division, on July 7, and sought a readout of the July 6 Latin America Working Group (COLAT) discussions of Cuba. We also discussed Ref A points on Cuba with Council US desk officer Margarita Comamala on July 8.

VENEZUELA

[3](#). (SBU) According to Buck, Caracas had agreed "after some pushing" to an EU exploratory mission (advance referendum observer team), which the EU "absolutely requires" before sending a final mission. Buck said that Commissioner Chris Patten will decide if the final mission will go.

CUBA/LIBERTAD

[4](#). (C) The COLAT discussed Cuba in some detail. Buck reported that there had been a "mix of confusion and astonishment" following what he described as "informal demarches" from the US in a couple of member-state capitals. The follow-on points from Washington (Ref D) -- explaining that there was, in fact, no decision on whether Title III suspension would be on country-by-country basis instead of the EU's current blanket waiver -- had clarified the situation. He said that the EU approach -- shared by all 25 member-states -- is based on the Union's Common Position. He repeated his caution about undoing the US-EU 1998 understanding (Ref C) and expressed optimism about a positive Title III decision vis-a-vis the EU.

[5](#). (C) Buck told us that the EU will raise Title III in the "any other business" part of the July 13 US-EU Political Directors' meeting (in order to chime in one more time before the decision on Title III suspension is announced on July 16). Comamala, who is involved in planning the agendas for both meetings, clarified that, while EU participants might raise the issue in the July 13 PolDirs, the Secretariat's view was that this was more of an economic issue, and therefore the EU preferred to have more substantive discussion of the issue in the July 14 US-EU Task Force meeting. Comamala stressed that the EU's position was that anything other than a blanket suspension covering all of the EU would be a reversal of the 1998 understanding under which, she said, the EU had agreed to suspend any WTO case against the Helms-Burton law.

[6](#). (SBU) COLAT participants also discussed Havana's recent release of six additional prisoners. Although this was, in Buck's view, a positive move, he stressed that the EU did not currently intend to issue a public statement because it maintained that all political prisoners -- not just six -- had to be released.

[7](#). (SBU) Finally, Buck reported that he had given the COLAT a brief presentation on the Report of the Commission for Assistance to a Free Cuba (CAFC), which led to some general discussion. He asked us for further information on when President Bush might decide which CAFC proposals to implement.

MCKINLEY